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WISE v. COMMONWEALTH.—Decided at Richmond, November 23, 1899. *Keith*, P.

1. CONTEMPT—*Conflicting engagements of an attorney—Case at bar.* The failure of an attorney in a cause to attend court at the time of trial previously fixed with his consent is not a contempt of court where it appears that he subsequently accepted a retainer and entered upon the trial of another cause with every reasonable expectation of being able to complete it before the time fixed for the hearing of the first cause, and, finding this impossible, notified the court of the facts, and disclosed a courteous and respectful consideration for the court.

FLICK v. STAUFFER.—Decided at Richmond, November 23, 1899. *Harrison*, J.

1. VENDOR AND PURCHASER—*Outstanding encumbrance—Funds left with vendee—Suit by encumbrancer—Payment—Attorney and client—Estoppel.* The mere fact that the maker of a note secured by deed of trust on land left in the hands of a purchaser, to whom he had sold the land, sufficient funds to pay all the liens thereon, is no defence to an action by the holder of the note, or his assignee, against the maker thereof. Nor is such assignee estopped to deny payment out of such funds by the fact that he was attorney for the purchaser, and examined the title to the land for him before the purchase was completed.

WILLIS'S EX'OR v. COMMONWEALTH.—Decided at Richmond, November 23, 1899.—*Riely*, J.

1. GROUND RENTS—*Real estate—Not taxable as personalty.* A rent charge or ground rent is real estate, and subject to all of its incidents, including curtesy and dower. Upon the death of the owner it descends to his heir or devisee. Such rents, though not common in this State, are recognized as valid. If taxable at all they are taxable as real estate, and it is error to enter them on the personal property books of the Commissioner of the Revenue.

2. TAXES—*Assessment—Failure to provide method of assessment.* No property can be assessed with taxes until the legislature has made suitable provision for that purpose. It has made no such provision for ascertaining and assessing for taxation the value of ground rents, and hence they are not taxable.

3. GROUND RENTS—*Valuation of.* The value of the estate in a ground rent is not the amount of the annual rent, but the value of the *corpus* or principal which produces the rent and of which the rent is the fruit or product.

ROBERT BUNDICK v. COMMONWEALTH.—Decided at Richmond, November 23, 1899.—*Cardwell, J.*

1. CRIMINAL LAW—*Evidence necessary to convict—Reasonable doubt—Suspicion.* To warrant the conviction of a person accused of crime every fact necessary to establish his guilt must be proved beyond a reasonable doubt; and especially so where the evidence is wholly circumstantial. The accused is entitled to an acquittal unless his guilt is proved to the actual exclusion of every reasonable hypothesis